

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

(609) 989-2040

CHAMBERS OF

TONIANNE J. BONGIOVANNI
UNITED STATES MAGISTRATE JUDGE

U.S. COURTHOUSE

402 E. STATE STREET, RM 6052
TRENTON, NJ 08608

September 7, 2023

LETTER ORDER

Re: Arbutus Pharma Corp., et al. v. Pfizer Inc., et al.
Civil Action No. 23-1876 (ZNQ)

Dear Counsel:

As discussed during the Initial Conference, the following schedule shall apply:

ACTION	DEADLINE
Parties to Conduct Rule 26(f) Conference/E-Discovery Conference pursuant to L.Civ.R. 26.1(d)	Completed
Parties to exchange their Rule 26(a)(1) Initial Disclosures	Completed
Parties' Submission of Consent Discovery Confidentiality Order (L.Pat.R. 2.2)	October 2, 2023
Plaintiffs to serve Disclosure of Asserted claims and Infringement Contentions and document production accompanying disclosure (L.Pat.R. 3.1-3.2)	October 2, 2023
Defendants to serve Non-Infringement Contentions and any document or thing they intend to rely on (L.Pat.R. 3.2A)	December 7, 2023
Defendants to serve Invalidity Contentions and document production accompanying disclosure (L.Pat.R. 3.3, 3.4)	
Status Conference with the Court (Dial-in information shall be provided by the Court at a later date)	December 14, 2023 at 12:00 p.m.
Amendments to pleadings or to add parties	To be addressed during the December 14, 2023 Telephone Conference

ACTION	DEADLINE
Plaintiffs to serve Responses to Invalidity Contentions and any document or thing they intend to rely on (L.Pat.R. 3.4A)	January 11, 2024
Parties' Exchange of Preliminary Claim Constructions for Claim Terms Identified and Intrinsic/Extrinsic Evidence (L.Pat.R. 4.2(a) & (b))	February 15, 2024
Parties' Exchange of Identification of Intrinsic and Extrinsic Evidence to Oppose Opponent's Proposed Construction (L.Pat.R. 4.2(c))	February 29, 2024
Parties' Submission of Joint Claim Construction and Prehearing Statement (L.Pat.R. 4.3)	April 1, 2024
Parties' Completion of Claim Construction Discovery (L.Pat.R. 4.4)	May 1, 2024
Parties' Opening <i>Markman</i> Submissions (L.Pat.R. 4.5(a))	June 17, 2024
Parties' Completion of Expert Discovery Related to Opening Claim Construction Submission (L.Pat.R. 4.5(b))	July 17, 2024
Parties' Responding <i>Markman</i> Submissions (L.Pat.R. 4.5(c))	August 16, 2024
Parties to Confer and Propose a Schedule for Claim Construction Hearing (L.Pat.R. 4.6)	August 30, 2024
Substantial Completion of document Production and Certification of Substantial Completion (L.Pat.R. 2.1(a)(6))	September 20, 2024
Claim Construction Hearing (L.Pat.R. 4.6)	To be Set by the Court
Disclosure of Advice of Counsel (L.Pat.R. 3.8)	30 Days after Entry of Court's <i>Markman</i> Order

The remaining schedule shall be set at a later date. Further, with respect to depositions, each side is limited to a total of 120 hours of 30(b)(1) and 30(b)(6) testimony by deposition upon oral examination, including third-parties. Absent a contrary agreement between the parties or an Order of the

Court, each deposition shall not extend beyond seven (7) hours of deposition time (provided that the deposition is in English). Each deposition shall count as a minimum of three and a half hours toward the requesting party's aggregate deposition time. Deposition time for witnesses testifying through an interpreter shall be discounted by 50% for the purpose of calculating individual and aggregate deposition time. To the extent a party reasonably believes that additional deposition time is necessary, both parties shall meet and confer in good faith in an attempt to achieve resolution. If the parties are unable to achieve resolution, a party may seek relief from the Court. In addition, unless the parties agree otherwise, all depositions of witnesses who are current employees of a party or are a third party represented by counsel for Plaintiffs or Defendants, and reside in the U.S., will take place at a mutually agreed upon location within the U.S. Depositions of expert witnesses will take place in the U.S. For witnesses who are current employees of a party or are a third party fact witness represented by counsel for Plaintiffs or Defendants, that reside outside the U.S., the parties will meet and confer in good faith regarding the taking of such deposition, including the location and hosting thereof.

The parties are reminded that correspondence that is emailed to Chambers should not be mailed to Chambers unless otherwise instructed by the Court. Further, the parties are reminded of their obligation to meet and confer in good faith regarding any discovery or case management issue before raising same informally with the Court.

IT IS SO ORDERED.

s/Tonianne J. Bongiovanni
TONIANNE J. BONGIOVANNI
United States Magistrate Judge